

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

JAMES BENN,

IN CHIEF CLERK'S OFFICE
U.S. DISTRICT COURT, BROOKLYN

★ JCP U 1200

Petitioner,

ORDER P.M.
98 CV 5621 TIME A.M.

-against-

(JBW)

CHARLES GREINER,

Respondent.

-----X

WEINSTEIN, *Senior District Judge*:

The petition for habeas corpus is dismissed based upon
the remand from the Court of Appeals for the Second Circuit filed
August 19, 2005.

SO ORDERED.

JACK B. WEINSTEIN
SENIOR UNITED STATES DISTRICT JUDGE

Dated: Brooklyn, New York
August 31, 2005

gaw

MANDATE FILED United States Court of Appeals
FOR THE
05 AUG 19 AM 1P:59ND CIRCUIT

97 CV 5621
EDNY (Brooklyn)
Weinstein

CLERK JUDGMENT
U.S. DISTRICT COURT
EASTERN DISTRICT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, Foley Square, in the City of New York, on the 9th day of March, two thousand and five.

Before: Hon. Wilfred Feinberg,
Hon. Ralph K. Winter,
Hon. Sonia Sotomayor
Circuit Judges

Docket No. 04-0527-pr

JAMES BENN,

Petitioner-appellee,

v.

CHARLES GREINER,

Respondent-appellant.

Appeal from the United States District Court for the Eastern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Eastern District of New York and was argued by counsel.

On consideration whereof, it is hereby ORDERED, ADJUDGED and DECREED that the judgment of said district court be and it hereby is REVERSED in accordance with the opinion of this court.

FOR THE COURT:
ROSEANN B. MACKECHNIE, Clerk
by

Arthur M. Heller
Motions Staff Attorney

A TRUE COPY
Roseann B. MacKechnie, CLERK

by

Arthur M. Heller
CLERK

ISSUED AS MANDATE:
AUG 8 2005

34